IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 6815 (SS) of 2001
(Old No.41951/1992)

Kumari Kusum,
D/o Sri Rajendra Singh Tadiyal,
R/o Ragtoli, District – Chamoli
and thirty one others. **…….Petitioners.**

Versus

1. State of U.P.
2. District Basic Education Officer, Chamoli.

..……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Pankaj Purohit, learned counsel for the petitioners and Sri H.M. Raturi, learned Standing counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Mandamus directing the respondents to consider the petitioners for the appointment to the post of Assistant Teachers BTC in any of the Institution situated in District – Chamoli.*

b. *Issue a writ, order or direction in the nature of Mandamus directing the respondents to give appointment to the petitioners after their selection.*

c. *Issue a writ, order or direction in the nature as this Hon'ble Court may deem fit and proper in the facts and Circumstances of the case.*

d. Award the cost of the petition.

The stand of the petitioners is that petitioners, who have passed BTC from Bihar Pradesh Shiksha Parishad Sripalpur, Bihar, have applied for the post of Assistant Teacher in Primary School, however, the candidatures of the petitioners have not been considered by the respondents.

Some other similarly situated persons, whose candidatures had not been considered by the respondents, had filed writ petition. Writ petition was allowed by the learned Single Judge. Against the order of learned Single Judge, State Government went in Special Appeal and Division Bench of High Court allowed the special Appeal filed by State Government and quashed the order of learned Single Judge. Otherwise also, now the petitioners, have crossed the upper age limit, which is prescribed by the Government for appointment of Assistant Teacher in Primary School.

Writ petition lacks merit and as such, is dismissed *in limine*. All the pending applications stand rejected.

(M.M. Ghildiyal, J)

May 25, 2007
SKSHARMA